

WARREN ZONING BOARD  
Minutes  
January 16, 2013

The regular meeting of the Warren Zoning Board was called to order at 7:00 pm by Chairman M. Gerhardt. Also present S. Calenda, P. Attemann, Vice Chairman A. Harrington, Mark Smiley and Andrew Ellis.

**Approval of Minutes** December 19, 2012 meeting. It was moved by S. Calenda to accept the minutes. Second by P. Attemann. All in favor.

**Old Business**

**Application #12-22; DJ Development Corp., owner and applicant; 339 Market Street; Plat Map 22, Lot 26 & 26A**

Special Use Permit from section 32-166

To construct an addition to the building on an existing foundation and a new foundation thereby expanding/modifying an existing Special Use Permit. S. Calenda recues.

Joseph Recupero, Esq., 362 Broadway, Providence, RI, attorney for Joseph Frances, President and Jeffrey Frances, Vice President both of DJ Development Corp., presented the request. Jeffrey Frances also answered questions and gave presentation. No public comment.

It was moved by M. Smiley to approve Application #12-22, Special Use Permit from section 32-166, to construct an addition to the building on an existing foundation and a new foundation, with the condition of approval from the Fire Chief of the building plans. Second by A. Harrington. All in favor.

**Application #12-26 (amended); Blount Realty Company & Water Street Dock Company, Inc., owners and Water Street Dock Company, Inc., applicant; 461/463 Water Street; Plat Map 6, Lots 11, 110, 111, 109, 25, 3, 98, 114, & 107**

Special Use Permit from sections 32-57 and 32-74

To construct a 8,250 sq. ft. tent structure, thereby expanding a legal non-confirming use.

**Application #12-27 (amended); Blount Realty Company & Water Street Dock Company, Inc., owners and Water Street Dock Company, Inc., applicant; 461/463 Water Street; Plat Map 6, Lots 11, 110, 111, 109, 25, 3, 98, 114, & 107**

Variance from section 32-78

To construct a 8,250 sq. ft. tent structure with a rear yard setback of 0 (zero) feet where 20 feet is required; have lot coverage of 34% where 30% is permitted; and have a height of 44 feet where 35 feet is permitted.

William Dennis, Esq., of 527 Metacom Ave, Bristol, RI presented the request for the owner. Testimony was given by Martha Blount the oldest daughter and president of Blount Realty Company & Water Street Dock Company, Inc.

Richard Fitzgerald, Professional Engineer, Childs Engineering Corp., 34 William Way, Bellingham, MA, Structural Engineering firm specializing in waterfront structures, engineers for Blount's for a number of years, gave testimony to the site placement of the tent and the structure itself.

Ron Blanchard, Professional Engineer, Site Engineering, 490 Metacom Ave, Bristol, RI, stated the plan/map was developed from a class 1 survey which was done by a registered survivor, Plat 6 Lot 25

which include a very narrow line. However usually survivors also look at the deed and make such notations to the plans. No notes were made to identify a "Right of Way".

#### Public Comment

There were two extensive letters submitted to the board prior to the meeting and entered into the record one from Jane McDougall, 500 Water St, Warren, RI and one from Philip Hervey, 40 Haile St, Warren, RI.

Ida Hoffma, 492 Water St, has been there for 62 yrs, she believes Shipyard Lane is a right of way. She also stated Lots 93 & 108, are residential and should continue to be used as residential property. She didn't feel this property can withstand any additional coverage.

Andre Asselin, 99 Cutler St, Warren, RI, submitted an old map of the property which noted a "Right of Way" going to the water and another map listed the "Right of Way" as Shipyard Lane.

It was moved by A. Harrington to approve, Application #12-26 as amended, Special Use Permit from Blount Realty Company & Water Street Dock Company, Inc., 461/463 Water Street; Plat Map 6, Lots 11, 110, 111, 109, 25, 3, 98, 114, & 107, to construct a tent like structure to be used for the construction of boats at the boat yard. The findings have shown the use of the structure will not cause a nuisance and is compatible with the traditional use of this area, consistent with the comprehensive plan, the public convenience will be served through continued employment and through the repetition of the Town of Warren being a boat building community throughout the world. All shall be conditional on the ultimate approval of the building plans for a building permit and the approval from CRMC, DEM, and Building Board of Appeal. Second by S. Calenda. All in favor.

It was moved by M. Smiley to approve Application #12-27, for the property located at 461/463 Water Street, as amended, Variance from section 32-78, proposed rear setback of 0 (zero) feet where 20 feet is required, lot coverage of 34% where maximum of 30% is allowed, a height of 44 feet where a maximum of 35 feet is allowed. All shall be conditional on the ultimate approval of the building plans for a building permit and approval from CRMC, DEM, and Building Board of Appeals. Second by P. Attemann All in favor.

#### New Business

**Application #13-1; R & D Construction Co., Inc., owner, and Paul Sloan, applicant; 249 Child Street; Plat Map 10, Lots 171, 174 & 181**

Special Use Permit from section 32-57

To operate a light assembly hobby shop with retail sales in a portion of the existing building.

Giovanni D Cicione, Esq., 282 County Rd, Barrington, RI, represented the applicant and requested a continuance to the February 20, 2013 meeting.

It was moved by A. Harrington to continue the application Application #13-1, to the February 20, 2013 as requested by Mr. Cicione. Second by M. Smiley. All in favor.

**Application #13-2; June J. Gibbs, Trustee, owner, and Michael Motta, applicant; 56 Shore Drive; Plat Map 17 Lots 33,32 & 31**

Special Use Permit from section 32-74

To construct an addition to existing garage, thereby expanding a legal non-conforming use and structure.

**Application #13-3; June J. Gibbs, Trustee, owner, and Michael Motta, applicant; 56 Shore Drive; Plat Map 17 Lots 33,32 & 31**

Variance from section 32-88(c)

To construct an addition to existing legal non-conforming garage that will be located in a front yard area.

Michael Motta, applicant, requested a continuance of Applications #13-2 and #13-3, to the February 20, 2013 meeting.

It was moved by A. Harrington to continue Application #13-2 and Application #13-3 to the February 20, 2013 meeting at the applicant's request. Second by S. Calenda. All in favor.

The board took a 5 (five) minute recess at 8:46pm. The meeting resumed at 8:51pm.

**Administrative Matters**

Correspondence from Tara Hurley—175 Main Street—requesting clarification of the Boards decision granting permission for certain signage that was approved on October 17, 2012 under application #12-24. M. Gerhart recues, A. Harrington assumes the chair.

Tara Hurley, London Ave, Pawtucket, stated on October 17, she was granted a variance to install 35' of "signage", wording on an awnings, however she would like to eliminate the wording on the awning and place the signage in the window. She will remain within the 35' and there will be no wording on the awnings. No public comment.

A. Ellis moved to amend the 10/17/2012 decision, to allow the applicant Ms. Hurley for the building at 175 Main St to substitute the two window signs of the designed picture on her letter dated 11/30/2012 and maintain the two cash for coins roof signs pictured, in lieu of any wording on the new awning which will be replacing the existing awning, she will be precluded from installing any additional signage or any interior displays which would be visible from the window, maintaining at least 5 (five) feet back from the plane of the glass, not to go beyond the 35' which was originally granted. Second S. Calenda. S. Calenda, P. Attemann, Vice Chairman A. Harrington, Mark Smiley and Andrew Ellis in favor.

M. Gerhart resumes the chair.

Consideration of items for future agendas. - None

**Adjourn** It was moved by S. Calenda to adjourn the meeting at 9:01 pm. Second by A. Ellis. All in favor.

Respectfully submitted,  
Rhonda Lee Fortin